

## **HOWARD COUNTY BOARD OF COMMISSIONERS MEETING JANUARY 7, 2013**

The Howard County Board of Commissioners met in Regular Session on Monday, January 7, 2013, at 4:00 p.m. in Hearing Room 338 of the Administration Center. Those in attendance included President Tyler Moore, Vice President Paul Wyman and Commissioner Brad Bray. Also present were Attorney Larry Murrell and Auditor Martha Lake.

The meeting was called to order by Sheriff Steve Rogers and conducted by President Moore. Commissioner Bray led in the Pledge of Allegiance, and Commissioner Wyman offered a word of prayer.

At this time Commissioner Moore welcomed newly elected Commissioner Brad Bray and Auditor Martha Lake.

### **IN THE MATTER OF APPROVAL OF MINUTES:**

The minutes of the December 27, 2012 Regular Meeting, having been previously submitted and reviewed, were approved on a motion made by Mr. Wyman and seconded by Mr. Moore who vacated the chair.

### **IN THE MATTER OF REORGANIZATION ACTIVITY:**

A motion was made by Mr. Wyman to retain Tyler Moore as President of the Board of Commissioners, and retain Mr. Wyman as the Vice President of the Board. The motion was seconded by Mr. Bray and carried.

### **IN THE MATTER OF DEPARTMENTAL APPOINTMENTS:**

A motion was made by Mr. Wyman to retain Mr. Ted Cain as the Highway Superintendent/Engineer, and retain Mr. Scott Reed as the Buildings and Grounds Superintendent for the year 2013. The motion was seconded by Mr. Bray and carried.

### **IN THE MATTER OF DEPARTMENTAL REPORTS:**

#### **HIGHWAY DEPARTMENT:**

At the December 27<sup>th</sup> meeting the Board of Commissioners received the Primco Bid, for Equipment Rental and labor for Bridge Maintenance, and took it under advisement for further review. The Primco bid was the only bid submitted. Mr. Cain has reviewed the Bid and recommends the Board of Commissioners award the bid to Primco, Inc. A motion was made by Mr. Wyman to award the Primco Inc. bid for Equipment Rental and bridge maintenance labor. The motion was seconded by Mr. Bray and carried.

The county's salt supply is sufficient because of the mild winter in 2011-2012. The highway trucks have been operating all day, to relieve the drifted roads. Mr. Cain confirmed that his employees are not on the roads around the clock; he has to make decisions on when to rest his crew. Commissioner Moore thanked Mr. Cain and his crew.

#### **PLAN COMMISSION:**

1) In the absence of Plan Commission Director Greg Sheline, Ms. Jan Bass submitted Case 8-CP-12, one lot in Hershberger Subdivision located at 5363 N. County Road 800 E. A motion was made by Mr. Wyman to approve Case 8-CP-12, one lot in Hershberger Subdivision. The motion was seconded by Mr. Bray and carried.

2) Ordinance No. 2012-BCCO-34 was submitted. This is a rezoning request to rezone property located at 5636 N. County Road 800 E. from IA (Intense Agriculture) to RR (Rural Residential). Ordinance No. 2012-BCCO-34, rezoning the property at 5636 North County Road 800 East from IA to RR, was approved on a motion made by Mr. Wyman and seconded by Mr. Bray.

At this time President Moore recognized the attendance of Assistant County Attorney Alan D. Wilson and welcomed him to the meeting.

#### **TREASURER:**

Treasurer Ann Wells submitted a contract with Attorney Jeremy A. Peelle to collect delinquent personal property taxes and innkeeper's taxes. This is an annual contract. A motion was made by Mr. Wyman to approve the delinquent tax collection services of Attorney Jeremy A. Peelle, for 2013, with a thirty-day notice cancellation clause. The motion was seconded by Mr. Bray and carried.

**PERSONNEL:**

- 1) Personnel Director Wanda McKillip informed the Board that the Nepotism Forms have been turned in to the Personnel Office, for the Commissioner’s review. She reminded the Board members that Court Judges do not submit forms to the County Office, but to the State because they are State employees. The Commissioners will review and sign the Nepotism Forms, then submit them to the Personnel Office to be filed.
- 2) The Anthem On-line Open Enrollment was successful, as was the Wellness program.
- 3) The Commissioners addressed several appointments as follows:  
Joel Fenskie, Kokomo/Howard County Public Library Board  
Matt Grecu, Alcoholic Beverage Commission  
Craig Harts and Matt Booher, Kokomo Visitor’s Bureau

A motion was made by Mr. Wyman to appoint Mr. Joel Fenskie to the Kokomo/Howard County Public Library Board; Matt Grecu to the Howard County Alcoholic Beverage Commission; Craig Harts and Matt Booher to the Kokomo Visitor’s Bureau. The motion was seconded by Mr. Bray and carried.

**COUNTY ASSESSOR:**

County Assessor Jamie Shepherd submitted the following names to be considered for the Commissioners’ appointments to the Property Tax Assessment Board of Appeals (PTABOA):

- Virginia Baker
- Ann Harrigan
- Andy Hardie

All three appointees meet State criteria. A motion was made by Mr. Wyman, seconded by Mr. Bray and carried to re-appoint Ms. Virginia Baker, Ms. Ann Harrigan, and Mr. Andy Hardie to the Property Tax Assessment Board of Appeals, for a one year term.

**EMERGENCY MANAGEMENT AGENCY:**

EMA Director Larry Smith and Auditor Lake have reviewed the EMA vehicle titles. We do not have four of the needed titles, and Mr. Smith is in contact with the City of Kokomo to locate the titles. When he has all titles, he will bring them to the Board of Commissioners for their review, and renew the plates.

Mr. Moore thanked Mr. Smith and Terry Tribby from IT for their work in transitioning the EMA office over to the County.

**MAINTENANCE:**

Buildings and Grounds Superintendent Scott Reed submitted the Benchmark Contract that had been approved at the December 27<sup>th</sup> meeting, for President Moore’s signature (*please refer to page two, Maintenance Department, “In The Matter Of Departmental Reports” of the Regular meeting minutes dated December 27, 2012*). The Contract was reviewed and signed.

**SHERIFF DEPARTMENT:**

- 1) President Moore asked Captain Harold Vincent about current issues at the Jail. Captain Vincent informed the Board that: 1) the inmate count is down; 2) the Renovation Project is going well and the County made a good choice of architect and construction company. Sanitary and security concerns are being addressed during the construction period. President Moore submitted the Certificate of Liability Insurance for DLZ (Architect) to keep on file in the Auditor’s Office.
- 2) Sheriff Rogers submitted the 2012 Howard County Sheriff’s Department Benevolent Fund, Christmas Family 2012. This report was created by Sergeant Stacy Wines, and outlines the help given to eighty-six children from thirty-one families. The total spent on all families was \$8,780.46. The Sheriff’s Department and Sergeant Wines were commended for their leadership in this program, and to the many sponsors that donated to the Benevolent Fund.

**IN THE MATTER OF THE NEW US 31 BYPASS MORATORIUM:**

Commissioner Wyman reminded the Board that at the December 27<sup>th</sup> meeting the Board of Commissioners approved Ordinance No. 2012-BCCO-35, an Ordinance that changes the Howard County Zoning Ordinance to include new US 31 Overlay Districts (*please refer to page one, issue three, "In The Matter Of Departmental Reports: Plan Commission", of the Regular meeting minutes dated December 27, 2012*). In order to allow the Plan Commission to implement the changes to the Zoning Ordinance, Mr. Wyman made a motion to extend the US 31 Moratorium to March 31, 2013. The motion was seconded by Mr. Bray and carried.

**IN THE MATTER OF CLAIMS AND REPORTS:**

Auditor Martha Lake submitted the following issues for the Commissioners' information and approval:

1. **Special Project Claims:** Ms. Lake submitted two claims for the Commissioners' approval. Both claims are being paid from the EDIT, Special Projects and Incentives line item. The first check, in the amount of 10,000 is payable to Ivy Tech for support of the Kokomo Farmer's Market. The second check is in the amount of \$5,000 to Bona Vista. Both checks were approved for payment on a motion made by Mr. Wyman and seconded by Mr. Bray.
2. **Salary Claims:** Salary, Hourly and Overtime Claims payable January 11 & 18, 2013, in the amount of \$351,341.90 each, were approved on a motion made by Mr. Wyman and seconded by Mr. Bray.
3. **Monthly Reports:** Ms. Lake submitted the Weights and Measures Monthly Report for the month of November 16 – December 15, 2012, and the EMA Calendars for December, 2012, and January, 2013, as well as the Activity Listing for December. The reports were accepted as submitted, on a motion made by Mr. Wyman and seconded by Mr. Bray.
4. **Clerk Monthly Reports:** The Clerk's Monthly reports for the month ending November 30, 2012 and December 31, 2012, were submitted, and accepted on a motion by Mr. Wyman and seconded by Mr. Bray.

**IN THE MATTER OF EMPLOYMENT AGREEMENTS:**

Commissioner Wyman submitted an Employment Agreement between Howard County Board of Commissioners and Lawrence Murrell for services as the full-time Howard County Attorney / Coordinator, for a two year term ending December 31, 2014. The services are extended to include the Howard County Council and the Howard County Drainage Board, as well as the Howard County Board of Commissioners. The Agreement was approved on a motion made by Mr. Wyman and seconded by Mr. Bray. Mr. Murrell has completed twenty (20) years of service as Howard County's attorney.

Also submitted is an Employment Agreement between Howard County Board of Commissioners and Alan D. Wilson, Attorney, for services as the Assistant County Attorney. Mr. Wilson will serve as legal representative for the Howard County Plan Commission and the Howard County Board of Zoning appeals; the Howard County Board of Health; all matters of enforcement of the County's Animal Control Ordinance. Mr. Wilson is also to serve as support for Attorney Murrell to cover conflict situations and meetings where Attorney Murrell will be absent. This is a two-year term ending December 31, 2014. The Employment Agreement for Mr. Alan Wilson was approved on a motion made by Mr. Wyman and seconded by Mr. Bray.

Mr. Murrell thanked the Board of Commissioners for the opportunity to keep serving Howard County as the County Attorney, and thanked Mr. Alan Wilson for the fine job he does. He also welcomed Commissioner Brad Bray to the Board of Commissioners.

**IN THE MATTER OF COUNTY ATTORNEY ISSUES:**

Attorney Larry Murrell submitted the following issues for the Boards' information and approval:

1. **Medical Service Price Quote:** Mr. Murrell submitted a Price Quote from Correctional Healthcare Companies, in the amount of \$38,399 annually, for physician services for inmates. This is a two-year agreement. Working with this health care company has been a positive experience. A motion was made

by Mr. Wyman to approve the price quote from Correctional Healthcare Companies, in the amount of \$38,399.00 annually, for two years. The motion was seconded by Mr. Bray and carried.

2. **Peelle Contract For Clerk's Office:** Mr. Murrell submitted a contract between Jeremy A. Peelle, LLC and Howard County Clerk. This contract is for collection services for certain fines and fees associated with court costs, infractions, and civil penalties in Howard County. The Contract with Jeremy Peelle, LLC for Clerk Office collections was approved on a motion made by Mr. Wyman and seconded by Mr. Bray.
3. **Diaper Creations MOU:** Mr. Murrell submitted a Memorandum of Understanding (MOU) between Howard County and the Greater Kokomo Economic Development Alliance, for the award of a \$3,600 New Business Incentive Grant for Diaper Creations. A motion was made by Mr. Wyman to approve the MOU with the Greater Kokomo Economic Development Alliance, on behalf of Diaper Creations, for the amount of \$3,600 annually from the New Business Incentive Program. The motion was seconded by Mr. Bray and carried.
4. **Jail Renovation Project:** Mr. Murrell submitted a claim from DLZ, Indiana, for construction services by Terstep Co. in the amount of \$150,804.00, for the Jail renovation project. A motion was made by Mr. Wyman to approve the claim to Terstep Co. in the amount of \$150,804.00, and authorize the President to sign the claim on behalf of the Board of Commissioners. The motion was seconded by Mr. Bray and carried.
5. **EMA Advisory Council:** Mr. Murrell informed the Commissioners that the first step in establishing the EMA Advisory Council is to determine who will serve as Chairman. A motion was made by Mr. Wyman to appoint Commissioner Brad Bray to serve as Chairman of the EMA Advisory Council. Mr. Moore vacated the Chair in order to second the motion. The motion carried. Commissioner Bray and Mr. Murrell will now contact Mayor Goodnight, Russiaville, Greentown, and the Howard County Council, concerning their appointments to the Advisory Council. When the four primary members are in place, they will hold a meeting to (a) appoint Larry Smith as permanent director and (b) appoint any other committee members deemed necessary to assist the Department. EMA Director Larry Smith asked that the Board of Commissioners and the Advisory Council consider using staggered terms for the EMA Advisory Council. Mr. Murrell suggested that the four primary members not be staggered, but their appointees could be staggered.
6. **Resolution No. 2013-BCCR-01:** Mr. Murrell submitted Resolution No. 2013-BCCR-01, a resolution appointing the Howard County Drainage Board. This Board will consist of five members, and they and their terms, are listed as follows:

Commissioners Tyler Moore, Paul Wyman and Robert Bray, each to serve until the end of their respective term or successive terms as Commissioner;

Ron Smith, to serve a two-year term ending December 31, 2014; and

Mike Ullery, to serve a three year term ending December 23, 2012.

A motion was made by Mr. Wyman, seconded by Mr. Bray and carried to approve the appointments to the Drainage Board as submitted.

5. **Right-To-Life Request:** Mr. Murrell submitted a request from Howard County Right to Life, to hold a peaceful pro-life rally on the east side of the Courthouse on Sunday, January 20, 2013, from 2:00 p.m. to 3:00 p.m. They request the use of the steps of the Courthouse as well as the electric outlet. A motion was made by Mr. Wyman that the Board grants the January 4, 2013 request from Howard County Right to Life to conduct its annual rally on January 20, 2013 from 2 – 3 p.m. using the public forum located on the east steps and walkway of the Howard County Courthouse. Maintenance will provide an electrical outlet for Right to Life's PA system. The motion was seconded by Mr. Bray and carried.

Assistant County Attorney thanked the Board of Commissioners for the privilege of serving the County in this capacity. He enjoys the work.

**IN THE MATTER OF COMMISSIONER ISSUES:**

**COMMISSIONER WYMAN:**

Mr. Wyman commented that the New Year's Eve Downtown celebration was very successful. He thanked the Board of Commissioners for granting use of the Courthouse roof for the fireworks, the Alliance and all the volunteers, and the Maintenance Department for their participation.

**COMMISSIONER BRAY:**

Commissioner Brad Bray is looking forward to serving the County and working with Mr. Moore and Mr. Wyman.

**COMMISSIONER MOORE:**

1) Mr. Moore submitted three IDEM notices as follows:

Notice of Public Comment: as an interested party to the Haynes International Inc. Part 70 Operating Permit. The applicant intends to construct and operate new equipment that will emit air pollutants.

Notice of Decision – approval: to operate the portable limestone, concrete, and asphalt crushing plant at 2400 West County Road 50 South, Kokomo.

Notice of Decision: Approval Part 70 Operating Permit renewal Office of Air Quality for Chrysler LLC Indiana Transmission Plant at 3660 US Highway 31.

The three IDEM notices were received on a motion made by Mr. Wyman and seconded by Mr. Bray.

2) The Board of Commissioners received an invitation to US 31 Legislative Day in Indianapolis on Tuesday, January 15, 2013. 12:00 p.m. is the luncheon and 1:00 p.m. is the US 31 Status Presentation. Governor Mike Pence has been invited to speak.

3) The Board of Commissioners, along with other local dignitaries, have been invited to a Manners Meal luncheon sponsored by the Northwestern and Washington Elementary Schools' PTO. The luncheons will be held on February 26, 27 and 28.

4) Mr. Moore informed the Commissioners that this is Perspective Reporter Tim Turner's last Commissioner meeting as a reporter. He is moving on to other responsibilities at the Perspective.

*There being no further business to come before the Board at this time,  
the meeting was adjourned at 5:14 p.m. on a motion made by  
Mr. Wyman and seconded by Mr. Bray.*

**HOWARD COUNTY BOARD OF COMMISSIONERS:**

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TYLER O. MOORE, PRESIDENT

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PAUL G. WYMAN, VICE PRESIDENT

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ROBERT B. BRAY, MEMBER

ATTEST:

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MARTHA J. LAKE, AUDITOR  
Howard County Commissioner Meeting January 7, 2013